

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RODNEY JAMES REDMOND,

Plaintiff,

v.

DAWN. LANDERS, JANET WALSH,
MARTHA BREEN, RYAN TOBIASZ
and MIKE VANDENBROOK,

Defendants.

ORDER

09-cv-87-slc

On April 7, 2009, this court granted plaintiff leave to proceed on his claim that defendants did not provide him with adequate mental health treatment. That same day, this court forwarded to the office of the Attorney General a copy of plaintiff's complaint for acceptance of informal service of process on defendants Dawn Landers, Janet Walsh, Martha Breen, Ryan Tobiasz and Mark Vandenbrook, together with this court's April 7 order allowing plaintiff to proceed on his claim. Now plaintiff has filed a motion for entry of default pursuant to Fed. R. Civ. P. 55(a).

In support of his motion, plaintiff argues that defendants are in default because they failed to file an answer within 20 days of April 7, 2009, the date the Wisconsin Department of Justice was served on behalf of the defendants. Plaintiff is mistaken. Pursuant to this court's agreement with the office of the Attorney General, defendants on whose behalf the office accepts informal service of process have 40 days from the date of the order in which to file a responsive pleading. In this case that order was entered on April 7, 2009, which means that defendants had

until May 18, 2009 to file their answer. Defendants did in fact file their answer on May 18, 2009. Therefore, plaintiff's motion for entry of default must be denied.

ORDER

IT IS ORDERED that plaintiff's motion for entry of default (dkt. # 21) is DENIED.

Entered this 20th day of May, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge